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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/036,501	03/06/98	LOURIE	D 42390.P5104

WM02/0102
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EXAMINER

NGUYEN, L
ART UNIT PAPER NUMBER

2612
DATE MAILED:

01/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/036,501

Applicant(s)
Lourie et al.

Examiner
Luong Nguyen

Group Art Unit
2612



☒ Responsive to communication(s) filed on Oct 6, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 15-24, 29, and 32 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 15-24, 29, and 32 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Mar 6, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 15-24, 29 and 32 filed on 10/6/2000 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The drawings are objected to because the informalities addressed in form PTO 948.
In addition, in figure 1, "computer system 100", as disclosed in specification, page 8, should be labeled.

In figure 2, "reset circuitry 260" should be changed to --reset circuitry 265--.

Correction is required.

Specification

3. The disclosure is objected to because of the following informalities:
In page 13, line 10, "frames are not the same" should be changed to --frames are the same--;
in page 15, line 13, "bus 100" should be changed to --bus 101--.
Appropriate correction is required.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 5,455,561) in view of Ng (5,731,832).

Regarding claim 15, Brown discloses a video camera surveillance system comprising memory, disclosed as frame recorder 4 (figure 1, column 4, lines 34-45); processor, disclosed as detector 7 which compares the difference signal between a frame from the series of frames subsequent to the reference frame and the reference frame, and generates an output signal line 19 if the difference is beyond a preset threshold (figures 1-2, column 4 line 53 through column 5, line 25, column 7, line 67 through column 8, line 7). Brown fails to specifically disclose wherein the difference between the two frames is determined by comparing a weighted average of brightness for the two frames. However, Ng teaches the difference between the current frame and the reference frame is determined on a pixel-by-pixel basis, and the pixel value indicates the luminance level or brightness level (column 6, lines 12-17, column 7, lines 10-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Brown by the teaching of Ng in order to provide a motion detection system

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capable of immediately identifying changes in an image represented by a video signal (column 1, lines 49-51).

Regarding claim 16, Brown discloses a reset circuitry as circuitry for generating an alarm and/or turning on a video cassette recorder (figure 1, column 3, lines 28-29).

Regarding claim 17, Brown fails to explicitly disclose the electronic device is a computer. However, Brown discloses the electronic device is a video cassette recorder which is turned on/off by the video camera (figure 1, column 3, lines 20-30). Computer system is also an electronic device. Therefore, it would have been obvious to replace video cassette recorder by a computer system in order to control computer system by the video camera and save power when operating computer system.

Regarding claims 18 and 24, Brown discloses the processor receives frames at a first frame rate when the electronic device is powered up and the processor receives frames at a second frame rate when the electronic device is not power up (column 5, lines 3-25, column 6, lines 63+).

Regarding claims 19 and 23, Brown discloses the processor determines the frame property when the electronic device is not powered up and does not determine the frame property when the electronic device is powered up (column 5, lines 3-26).

Regarding claim 20, Brown discloses the property is an average brightness of the frame (column 3, lines 34-44).

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Regarding claim 21, Brown discloses the processor compares frames by comparing a weighted average brightness of the consecutive frames (column 3, lines 34-44, column 4, lines 34-67).

Regarding claim 22, Brown discloses a video camera surveillance system comprising receiving a first frame and a second frame, disclosed as frame recorder 4 (figure 1, column 4, lines 34-67); determining a property for first frame and for second frame, disclosed as circuitry for discriminating between signals (figure 1, column 3, lines 20-40; column 4, lines 34-67); causing the electronic device to power up, disclosed as circuitry for generating an alarm and/or turning on a videocassette recorder (column 3, lines 20-40; column 5, lines 5-25). Brown fails to specifically disclose determining a weighted average brightness for the first frame and second frame. However, Ng teaches the pixel value of a frame indicates the luminance level or brightness level (column 6, lines 12-17, column 7, lines 10-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Brown by the teaching of Ng in order to provide a motion detection system capable of immediately identifying changes in an image represented by a video signal (column 1, lines 49-51).

6. Claims 29, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyake (US 5,631,701) in view of Brown (US 5,455,561) further in view of Ng (US 5,731,832).

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Regarding claim 29, Miyake discloses an image data transfer system comprising a bus, disclosed as cable 30 (figure 1, column 3, line 25); a processor, disclosed as CPU 130 (figure 1, column 4, line 4); a camera interface, disclosed as communication I/F 124 (figure 1, column 4, lines 5-10). Miyake discloses an electronic camera 10 (figure 1, column 3, lines 20-25). Miyake fails to explicitly disclose a video camera. However, Brown teaches a video surveillance system which has a video camera, a circuitry for generating an analog difference signal between frames, a circuitry for discriminating between signals and a circuitry for generating an alarm and/or turning on a video cassette recorder (figure 1, column 3, lines 20-30, column 4, lines 34-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Miyake by the teaching of Brown in order to obtain a video surveillance system which alerts security personnel, and start video cassette recorders when an intruder or a fire is detected (column 1, lines 10-13). Miyake and Brown fail to specifically disclose the video processor to determine a weighted average brightness for each of the frames. However, Ng teaches the pixel value of a frame indicates the luminance level or brightness level (column 6, lines 12-17, column 7, lines 10-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Miyake and Brown by the teaching of Ng in order to provide a motion detection system capable of immediately identifying changes in an image represented by a video signal (column 1, lines 49-51).

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Regarding claim 32, Brown discloses the processor receives frames at a reduced rate when the electronic device is powered down (column 5, lines 52-58).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 308-6306

or:

(703) 308-6296

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA., Sixth Floor (Receptionist).

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12/19/2000


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